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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,059	03/09/1999	YOSHIHITO ASAO	Q53539	6703

7590 01/17/2002

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EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/281,059

Applicant(s)

ASAO ET AL.

Examiner

Guillermo Perez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 28, 2001 has been entered.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the inner circumferential side" and "the outer circumferential side" in line 17. There is insufficient antecedent basis for this limitation in the claim.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

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patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S.

Patent No. 6,037,694 in view of Hiroshima et al. (U. S. Pat. 5,174,013).

Patent '694 substantially teaches the claimed invention except that it does not show that the pair of opposite flat surfaces face the inner circumferential side and the outer circumferential side, respectively, relative to a radial direction of the cylindrical portion.

Hiroshima et al. disclose that the pair of opposite flat surfaces face the inner circumferential side and the outer circumferential side, respectively, relative to a radial direction of the cylindrical portion. The invention of Hiroshima et al. has the purpose of increase the wire density thus decreasing the volume of the equipment which uses the coil.

It would have been obvious at the time the invention was made to modify the patent '694 and provide it with the flat surface configuration disclosed by Hiroshima for the purpose of increase the wire density thus decreasing the volume of the equipment which uses the coil.

2. Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S.

Patent No. 6,037,694 in view of Hiroshima et al. (U. S. Pat. 5,174,013)  
and further in view of Harris et al. (U.S. Pat. No. 5, 539, 265).

Patent '694 and Hiroshima et al. disclose a rotor as described on item 1 above. However, neither patent '694 nor Hiroshima et al. disclose a vibration-suppressing ring fitted on the inner circumference of the claw-shaped magnetic poles of the pair of field cores.

Harris et al. (U.S. Pat. No. 5, 539, 265) disclose a vibration-suppressing ring (33) fitted on the inner circumference of the claw-shaped magnetic poles (16,18,20,22) of the pair of field cores (12,14). The invention of Harris et al. has the purpose of preventing vibration of the fingers of pole pieces as the rotor assembly rotates within the alternator assembly as a whole.

It would have been obvious at the time the invention was made to modify the rotor of Patent '694 and Hiroshima et al. and provide it with the vibration-suppressing ring disclosed by Harris et al. (U.S. Pat. No. 5, 539, 265) for the purpose of maximizing the winding density of the coil and minimize motor vibrations.

3. Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S.

Patent No. 6,037,694 in view of Hiroshima et al. (U. S. Pat. 5,174,013)  
and further in view of Harris et al. (U.S. Pat. No. 5, 892, 313).

Patent '694 and Hiroshima et al. disclose a rotor as described on item 1 above. However, neither patent '694 nor Hiroshima et al. disclose permanent magnets fitted between the claw-shaped magnetic poles of the pair of field cores.

Harris et al. (U. S. Pat. No. 5, 892, 313) disclose permanent magnets (34) fitted between the claw-shaped magnetic poles (18) of the pair of field cores (12, 14). The invention of Harris et al. (U. S. Pat. No. 5, 892, 313) has the purpose of increasing power output without increasing the physical size of the machine.

It would have been obvious at the time the invention was made to modify the rotor of Patent '694 and Hiroshima et al. and provide it with permanent magnets fitted between the claw-shaped magnetic poles of a pair of field cores as disclosed by Harris et al. (U. S. Pat. No. 5, 892, 313) for the purpose of increasing the power output of the machine without increasing the size of the machine.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez  
January 9, 2002



GUILLERMO PEREZ  
RECEIVED  
JAN 10 2002